

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>LEWIS LAMONICA,</b>	)	
<b>ID # 39407-177,</b>	)	
<b>Movant,</b>	)	
<b>vs.</b>	)	<b>No. 3:17-CV-2738-D</b>
	)	<b>No. 3:09-CR-235-D</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

After reviewing all relevant matters of record in this case, including the June 13, 2019 findings, conclusions, and recommendation of the United States Magistrate Judge and movant's August 8, 2019 objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct, and they are adopted as the findings and conclusions of the court. For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the motion to vacate, set aside or correct sentence filed under 28 U.S.C. § 2255 is denied with prejudice as barred by the statute of limitations.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the movant has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

If movant files a notice of appeal,

( ) movant may proceed *in forma pauperis* on appeal.

(X) movant must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

**SO ORDERED.**

August 13, 2019.

  
SIDNEY A. FITZWATER  
SENIOR JUDGE